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UNCLAS SECTION 01 OF 02 HALIFAX 0119

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SUBJECT: HALIFAX CULTURAL DIVERSITY SEMINAR

Summary

1. The Department of Canadian Heritage hosted a seminar on a proposed International Instrument on Cultural Diversity (IICD) in Halifax, Nova Scotia, March 27-28, 2003. Most of the discussion focused on audiovisual trade issues. Culture ministry officials and NGO representatives argued that a new instrument was necessary to promote and preserve their countries' cultural diversity and counteract "the corrosive effects of globalization." The U.S. delegation and trade ministry officials in other delegations noted that WTO disciplines have proved sufficiently flexible to address legitimate cultural concerns in the audiovisual sector. (This cable was prepared by Dan Clune and Eliza Koch of EB/EPPD/PA, who participated in the Halifax seminar.) End Summary.

A Focus On Audiovisual

2. Representatives from 20 countries (vast majority from the Western Hemisphere), 8 multilateral organizations, and 17 civil society organizations participated in the Experts Seminar on cultural diversity. USG attendees included Daniel Clune and Eliza Koch of the State Department's Economic Bureau and David Taylor of the Library of Congress. The seminar was designed to "further informal discussions and facilitate an exchange of views" on cultural diversity, particularly among trade and cultural officials. Many foreign government representatives who were present at the Experts Seminar are also members of the informal group of culture ministers called the International Network on Cultural Policy (INCP). In February 2003, the group met with United Nations Educational, Scientific and Cultural Organization (UNESCO) Director General Matsuura and asked UNESCO to assume responsibility for a cultural diversity instrument the INCP had drafted. Many representatives of the non-governmental arm of INCP, called the International Network for Cultural Diversity (INCD) also participated in the seminar.

3. Although the term "cultural diversity" embraces concerns ranging from the right to express one's culture to preservation of languages and indigenous artifacts, the discussion was focused almost entirely on the rules governing trade in audiovisual goods and services. James Early of the Smithsonian Institution, who attended the meeting as an NGO representative, told participants they needed to broaden the discussion to matters such as cultural diversity within nations and across national borders and to the representation of indigenous people in cultural institutions and at the seminar itself.

4. David Taylor of the Library of Congress gave a presentation on several U.S. institutions, which are responsible for the collection, documentation, preservation, celebration, and display of the multi-cultural expressive traditions of the United States. Taylor highlighted the programs of the National Endowment for the Arts, Library of Congress, and the Smithsonian Institution. He also explained that state and local involvement, as well as NGO participation, play an important role in preserving and promoting the cultural diversity of the United States. The USG delegation provided a fact sheet at the seminar which previewed the work of the three federal institutions mentioned above as well as that of the National Endowment for the Humanities, and the State Department's Ambassador's Fund for Cultural Preservation.

The Case For an Instrument

5. Culture ministry officials and NGO representatives at the meeting agreed on the need for a Cultural Diversity Convention. Jean-Pierre Blais, the Assistant Deputy Minister at the Department of Canadian Heritage, opened the meeting by noting that, "Existing global trade rules are based solely on economic principles." Gary Neil of the Canadian Conference of the Arts said a new agreement was necessary to counteract the "corrosive effect of globalization on culture." David Diaz of UNCTAD claimed that "there was a consensus that the WTO was not the appropriate forum for dealing with these issues," noting that "there was one dominant player in the world economy which controls the distribution of audiovisual goods and services" and

that a new instrument would "protect culture from the undesirable effects of trade." Phil Stone from the Department of Canadian Heritage cautioned countries against making new trade commitments while an instrument was being negotiated.

A Different Perspective from Trade Ministries

16. The Canadian government made a conscious effort to include officials from trade ministries in the seminar, and those officials brought a different perspective to the discussion. Michael Brock from the Canadian Department of Foreign Affairs and International Trade noted the need to reconcile domestic cultural policies and international trade rules and said that the objective could only be met by engaging both culture and trade ministries. State Department official Daniel Clune highlighted, in his presentation to the group, the different strategies appropriate for addressing different cultural diversity concerns. He suggested that WTO disciplines have proved sufficiently flexible to address legitimate cultural concerns, and that the WTO is the best forum for addressing the cultural concerns surrounding trade in audiovisual goods and services. Guillermo Malpica Soto from the Mexican Secretariat of the Economy agreed on the flexibility provided by the GATS and urged participants to look for complementarity between trade and cultural agreements.

17. Alberto Luiz Pinto Choelho from the WTO office in the Brazilian Ministry of International Relations noted that the INCP draft instrument, which would require signatories to consult "when they are called upon to make commitments that could put at risk the preservation of cultural diversity," could subject countries to dispute settlement proceedings in two different international organizations. He emphasized the need for any agreement on cultural diversity to have "complementarity with the GATS" and suggested that it be negotiated within the WTO as a GATS reference paper. Kimmo Aulake, a Special Advisor to the Finnish Ministry of Education and Culture and one of the drafters of the INCP instrument, responded that the group intended to add an article that would state that, "Nothing in this instrument shall affect the rights and obligations of a country under other international agreements." However, Philip Stone from the Department of Canadian Heritage said that consideration of the issue of coherence among international agreements must be postponed.

And On To UNESCO

18. Frederic Vacheron from UNESCO's Division of Cultural Policies noted that UNESCO's Executive Board would meet in April 2003 to discuss the proposed international instrument on cultural diversity, among other issues.
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